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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

CASE NO.: 2:21-mj-1027-DJA

Plaintiff,

**ORDER to Continue Preliminary
Hearing**

vs.

ALEXANDER HOYOS RIVERA,

Defendant.

It is hereby stipulated and agreed, by and between Jason M. Frierson, United States Attorney, through Jim W. Fang, Assistant United States Attorney and Ivette Amelburu Maningo, Esq., counsel for Defendant Alexander Hoyos Rivera, that the preliminary hearing in the above-captioned matter, scheduled for March 6, 2023, at 4:00 p.m., be vacated and continued until a time convenient to the Court, but no earlier than 90 days from the current setting.

1. Federal Rule of Criminal Procedure Rule 5.1(d) provides that “[w]ith the defendant’s consent and upon a showing of good cause—taking into account the public interest in the prompt disposition of criminal cases—a magistrate judge may extend the time limits [for preliminary hearings] one or more times.” Here, the parties have resolved this matter and Defendant Hoyos Rivera’s Waiver of Indictment, Filing of an

1 Information, Initial Appearance and Change of Plea is currently scheduled for March
2 20, 2023. As such, the parties request a continuance of the preliminary hearing in this
3 matter until a time convenient to the Court, but no earlier than 90 days from the
4 current setting.

5
6 3. This continuance is not sought for the purposes of delay, but to allow the
7 Defendant to proceed to a Change of Plea as scheduled on March 20, 2023.

8
9 4. The Defendant is not in custody and agrees to the continuance.

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11 5. Denial of this request could result in a miscarriage of justice, and the ends of
12 justice served by granting this request outweigh the best interest of the public and the
13 Defendant in a speedy trial.

14
15 6. The additional time requested by this stipulation is excludable in computing
16 the time within which indictment must be filed pursuant to the Speedy Trial Act, 18
17 U.S.C. § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i)
18 and (iv).

19
20 DATED this 3rd day of March, 2023.

21 JASON M. FRIERSON
22 United States Attorney
23 /s/ Jim W. Fang
24 JIM W. FANG
25 Assistant United States Attorney
26 *Counsel for the United States*
27
28 /s/ Ivette Amelburu Maningo
IVETTE AMELBURU MANINGO, ESQ.
Counsel for Defendant Hoyos Rivera

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

CASE NO.: 2:21-mj-1027-DJA

Plaintiff,

Findings and Order

vs.

ALEXANDER HOYOS RIVERA,

Defendant.

Based on the pending Stipulation between the Defense and the Government, and good cause appearing therefore, the Court hereby finds that:

1. The Defendant and the Government have resolved this matter and Defendant Hoyos Rivera's Waiver of Indictment, Filing of an Information, Initial Appearance and Change of Plea is currently scheduled for March 20, 2023.

2. As such, the parties request a continuance of the preliminary hearing in this matter until a time convenient to the Court, but no earlier than 90 days from the current setting.

3. Counsels agree to the continuance.

1 4. Defendant is not in custody and agrees to the continuance.

2 5. The continuance is not sought for the purposes of delay, but to allow the
3 Defendant to proceed to a Change of Plea as scheduled on March 20, 2023.

4
5 6. Denial of this request could result in a miscarriage of justice, and the ends of
6 justice served by granting this request outweigh the best interest of the public and the
7 Defendants in a speedy trial.

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10 7. The additional time requested by this stipulation is excludable in computing
11 the time within which indictment must be filed pursuant to the Speedy Trial Act, 18
12 U.S.C. § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i)
13 and (iv).

14
15 THEREFORE, IT IS HEREBY ORDERED that the preliminary hearing in the
16 above-captioned matter currently scheduled for March 6, 2023, at 4:00 p.m. be vacated
17 and continued to June 5, 2023, at 4:00 p.m., Courtroom 3A.

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19 DATED this 3rd day of March, 2023.

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22 HONORABLE DANIEL J. ALBREGTS
23 UNITED STATES MAGISTRATE JUDGE